

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

John M. Kilcoyne
Type or print name

John M. Kilcoyne
Signature

January 17, 2001
Date

#8
HHD
1/31/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
TIMMINS ET AL.

APPLICATION NO: 09/398,107

FILED: SEPTEMBER 16, 1999

FOR: BIPHASIC CONTROLLED RELEASE DELIVERY SYSTEM FOR
HIGH SOLUBILITY PHARMACEUTICALS AND METHOD

Art Unit: 1615

Examiner: P. Kulkosky

RECEIVED

JAN 25 2001

TECH CENTER 1600/2900



Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction/Election Requirement mailed on November 17, 2000, applicants request that the Examiner consider the following remarks.

REMARKS

These remarks are being filed in response to the official action mailed in this application on November 17, 2000. A petition for a one-month extension of time accompanies this response. Claims 1-71 are pending in the application.

Applicants note that the application is subject to a restriction and election requirement. In particular, applicants are required to elect from the following two allegedly distinct groups:

- I. Claims 1-33, 42-64 and 71, drawn to pharmaceutical formulations, classified in class 424, subclass 486; and
- II. Claims 34-41 and 65-70, drawn to methods for treatment of diabetes, or for administration of hypolipidemics, classified in class 514, subclass 866.